

REMARKS/ARGUMENTS

The Advisory Action mailed May 24, 2011 and the Final Office Action dated March 10, 2011, have been carefully reviewed and these remarks are responsive to those Office Actions. Upon entry of this response, claims 1-6, 8-26, and 29-35 remain pending in this Application. Claims 7 and 27-28 have been cancelled, and claims 1, 6, 8, 12-15, and 23-26 have been amended. No new matter has been added to the amended claims. Support for the amendments to the claims may be found on page 7, lines 6-8, and page 2, lines 23-28 of the specification as originally filed and in Figure 4, among other places. Reconsideration and allowance of this Application are respectfully requested. The Examiner is requested to call the undersigned by phone if it is felt that this response does not place the Application in condition for allowance.

Examiner Interview

Applicants thank the Examiner for the interview on June 14, 2011 with the Applicants' representative. During the interview, the Applicants' representative discussed possible claim amendments and arguments for overcoming the references of record. In particular, the tunnel type identifier claimed in the independent claims was discussed with respect to the channel identifier mentioned in the Shahar reference. Applicants discussed how the channel identifiers of Shahar are not configured "for differentiating between different tunnels identified with a same tunnel type but associated with different types of CPE," as claimed. The Examiner stated that he would conduct an updated search to determine if this feature would overcome the references of record. Finally, Applicants also discussed the possibility of moving previous dependent claim 27, which claims a conditional access unit matching a CPE identifier with a channel information message identifier, into the independent claims. With regard to this issue, Applicants, in particular, discussed how the system discussed in the Chapman '515 reference does not disclose or suggest that a conditional access unit performs this matching operation. The Examiner stated that he would conduct an updated search to determine if this feature would overcome the references of record. In this response, Applicants have amended the claims along the lines of what was discussed during the interview.

Rejection under 35 U.S.C. § 103

Claims 1, 4-8, 11-15 and 18-31 are rejected under 35 U.S.C. § 103(a) as being

unpatentable over Chapman (US Patent No. 7324515), hereinafter referred to as Chapman '515, in view of Shahar (US Patent No. 7359434), hereinafter referred to as Shahar.

Independent claim 26 has been amended to recite, among other things:

wherein a conditional access unit coupled to the device is configured to determine whether the channel information message identifier matches with the CPE identifier

None of the references of record disclose or suggest at least this feature of amended claim 26. A feature similar to this feature of amended claim 26 was a part of previous dependent claim 27 (now cancelled). The Final Office Action dated March 10, 2011, rejects previous dependent claim 27 by citing to Chapman '515. (See Final Office Action, page 12.) Chapman '515 describes proxy in a cable modem termination system (CMTS) that may aid in routing IP packets to a set top box. (See Chapman '515, Abstract.). In the scheme described in Chapman '515, this proxy modifies data packets to include a well-known Ethernet address that is preconfigured into a cable modem located at a client site. (See Chapman '515, column 2, lines 60-67.) Upon detecting the well-known Ethernet address in the data packets, the cable modem then routes the data packets to a set top box. (See Chapman '515, column 4, lines 45-61.) Thus, even assuming, but not admitting, that the channel information message identifier recited in independent claim 26 is equivalent to the well-known Ethernet address discussed in Chapman '515, Chapman '515 merely states that a cable modem detects the well-known Ethernet address within the incoming data packets. (See 'Chapman '515, column 2, lines 60-67.) Nowhere does Chapman '515 disclose or suggest the involvement of a conditional access unit in this analysis, as recited in independent claim 26. In other words, Chapman '515 does not disclose or suggest that a "conditional access unit coupled to the device is configured to determine whether the channel information message identifier matches with the CPE identifier," as claimed.

None of the other references of record (Chapman '430, Shahar, etc.) cure the deficiencies of Chapman '515 discussed above. Therefore, independent claim 26 is in condition for allowance. Claims 29-31 and 35 depend from claim 26 and are distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein. Claims 27-28 have been cancelled, thereby rendering these rejections moot.

Independent claim 1 has been amended to recite, among other things:

wherein each channel information message identifies at least a portion of the network addresses associated with the one or more tunnels and includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type but associated with different types of CPE

None of the references of record disclose or suggest at least this feature of independent claim 1. The Advisory Action is not persuaded by previous arguments that outline why a similar feature recited in previous versions of this claim is neither disclosed nor suggested in the references of record. First, the Final Office Action on pages 3-4 admits that Chapman '515 does not disclose or suggest this feature of claim 1. (See Office Action, pages 3-4, "Chapman '515 does not expressly teach that the information distribution system is configured to output downstream channel descriptor (DCD) messages over a network over downstream channels, wherein each DCD message identifies at least a portion of the network addresses associated with the one or more tunnels provided by the information distribution system and includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type.") However, on page 4, the Office Action alleges that Shahar describes a feature similar to this feature of claim 1.

However, Shahar does not describe at least a channel information message that "includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type but associated with different types of CPE," as claimed. In the previous response, Applicants requested the Examiner to point to specifically where a similar feature is found in Shahar. The Examiner cited to portions of Shahar that have been cited previously. While the cited portions of Shahar describe many interesting features of the downstream channel descriptor message discussed in Shahar (e.g., "(1) IF frequency; (2) RF Frequency; (3) Modulation type; (4) Symbol rate; (5) bandwidth; (6) roll off factor; (7) FEC Scheme; (8) Criteria for switching to another downstream channel; (9) priority information to select a downstream channel for communication for a newly initializing modem; and (10) priority information when switching to a new downstream channel for a modem already in communication with wireless hub" (See Shahar, column 6, ll. 54-62.)), they do not disclose or suggest what is recited in claim 1; in other words, they do not disclose or suggest a channel information message that "includes a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type but

associated with different types of CPE,” as claimed. The Advisory Action attempts to cure the deficiencies of Shahar by equating the channel types and channel identifiers of Shahar with the tunnel types and tunnel type identifiers of claim 1. Even assuming, but not admitting, that the channel types discussed in Shahar (see, for example, Shahar, column 9, lines 35-45) are equivalent to tunnel types as recited in claim 1, the channel identifiers discussed in Shahar (see, for example, Shahar, Table 6, Downstream Channel ID) are not tunnel type identifiers configured “for differentiating between different tunnels identified with a same tunnel type but associated with different types of CPE,” as claimed. In the scheme described in Shahar, a channel identifier for one channel of a given channel type and corresponding to a first type of CPE may be the same as the channel identifier for another channel of the same channel type but corresponding to a second type of CPE. Nothing in the scheme disclosed in Shahar prevents this ambiguity from taking place; however, claim 1 clearly prevents this ambiguity by reciting that the channel information message includes “a listing of tunnel types and a listing of tunnel type identifiers for differentiating between different tunnels identified with a same tunnel type but associated with different types of CPE,” as claimed.

None of the other references of record cure the deficiencies of Shahar discussed above. Therefore, independent claim 1 is in condition for allowance. Claims 4-6 depend from claim 1 and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein. Claim 7 has been cancelled, thereby rendering this rejection moot. Independent claims 8 and 15 have been amended to recite features similar to those of claim 1 discussed above. Hence, for reasons similar to those given above for claim 1, Applicants respectfully submit that independent claims 8 and 15 distinguish over the references of record and are in condition for allowance. Claims 11-14, 18-25, and 29-35 depend from one of the independent claims discussed above and are distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein. Claims 27-28 have been cancelled, thereby rendering these rejections moot.

Claims 2, 3, 9, 10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman ‘515 in view of Shahar and Chapman (US Patent No. 7349430), hereinafter referred to as Chapman ‘430. Chapman ‘430 and Chapman ‘515 do not overcome the deficiencies of Shahar discussed above with respect to claims 1, 8, and 15. Claims 2, 3, 9, 10, 16, and 17 depend from independent claim 1, 8, or 15 discussed above, and are distinguishable

for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein.

CONCLUSION

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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